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1246.01 PURPOSE.

(a) The purposes of this chapter are:

(1) To ensure that owners of vacant property are known to the Village and to other interested parties, and can be contacted if necessary;

(2) To ensure that owners of vacant property are aware of the obligations and responsibilities of ownership under applicable laws;

(3) To ensure that owners of vacant property meet minimum standards of maintenance under the law; and

(4) To encourage and speed the process of rehabilitating buildings to achieve increased occupancy.

(b) This chapter is adopted to establish a program for identifying and registering vacant buildings within the Village that may present fire hazards and other health and safety hazards to the public, that may provide temporary shelter for transients, drug users, drug dealers and other lawbreakers, that may devalue other properties in the Village, that may detract from private and/or public efforts to rehabilitate or maintain surrounding homes and buildings, and that may, in general, present hazards to the health, safety, and welfare of the public. Through a registration, inspection, and monitoring process, vacant buildings will be kept weather tight and

secure from trespassers, will provide safe entry to police officers and firefighters in times of emergency, and will not impede private and/or public efforts to rehabilitate or maintain surrounding neighborhoods and buildings.

1246.02 DEFINITIONS.

Unless otherwise expressly stated, the following terms shall, for the purpose of this chapter, have the following meanings:

(a) "Authorized agent" means a person who resides within the Village of East Palestine, Ohio, who shall be authorized in writing by the owner or person in control of a vacant building to be responsible for the security and maintenance of the building and property, who shall have access to the building and property, and who shall be available at all times in case an emergency occurs requiring immediate response and/or immediate repairs.

(b) "Evidence of vacancy." Any condition that on its own or combined with other conditions present would lead a reasonable person to believe the property is vacant. Such conditions include, but are not limited to: significantly below standard utility usage, overgrown and/or dead vegetation, accumulation of newspapers, circulars, flyers and/or mail, accumulation of trash, junk, and/or debris, broken or boarded up windows, abandoned vehicles, auto parts or materials, the absence of window coverings, such as curtains, blinds, and/or shutters, the absence of furnishings and/or personal items consistent with habitation or occupation, statement(s) by governmental employee(s) that the property is vacant.

(c) "Owner." Any person, in whose name the property is titled, and any person, agent, servicing company, firm, third party, financial institution or bank that has an interest in the property as a result of an assignment, sale, mortgage, transfer of a mortgage, or similar instrument or having an agreement with any one of the above for the purpose of securing and/or managing the property.

(d) "Secured by other than normal means." A building secured by means other than those used in the design of the building.

(e) "Unoccupied." A building which is not being used for the occupancy authorized by the owner.

(f) "Unsecured." A building or portion of a building which is open to entry by unauthorized persons without the use of tools or ladders.

(g) "Vacant building." A building (which includes both residential and commercial, trailers and individual suites within a building complex, separated by common walls excluding government-owned buildings) which is:

(1) Unoccupied and unsecured;

(2) Unoccupied and secured by other than normal means;

(3) Unoccupied and an unsafe building as determined by the Village Manager, Building / Zoning Inspector, Fire Chief, or County Building Inspector;

- (4) Unoccupied and having utilities disconnected;
 - (5) Unoccupied and has housing or building code violations;
 - (6) Illegally occupied, which shall include loitering and vagrancy;
 - (7) Unoccupied for a period of time over ninety days and having an existing code violation issued by a Property Maintenance Officer;
 - (8) Unoccupied, with a mortgage status of abandonment (i.e. deceased or foreclosed); or
 - (9) Unoccupied and abandoned by the property owner.
- (h) "Fire Chief" means the Fire Chief of the Village of East Palestine, or his or her designated agent.
- (i) "Fire Code" means Chapter 1602 of the Village of East Palestine's Codified Ordinances.
- (j) "Fire Department" means the Fire Department of the Village of East Palestine.
- (k) "Knox box" means any small safe or security device with a lock operable only by a fire or police department master key, attached at or near entrances to vacant buildings, and containing building entry keys and other keys that may be required for access to the building in an emergency.
- (l) "Persons" means an individual, partnership, association, syndicate, company, firm, trust, corporation, government corporation, department, bureau, agency, or any entity recognized by law.
- (m) "Person in control" means the owner of the property; a mortgagee or vendee in possession; a receiver; an executor; a trustee; and any person, public, or private entity, lessee or holder of a lessee estate in the property, and/or its duly authorized agent(s) or assignees, with the authority to bring a building or property into compliance with the provisions of this Chapter, including but not limited to any mortgagee that has filed an action in foreclosure on the particular property at issue, based on breach or default of a mortgage agreement, until title to the property is transferred to a third party.
- (n) "Property" means not only the vacant building, and any other buildings of any kind located on the property, but also the entire parcel of land surrounding the vacant building, including, but not limited to, fences, walkways, walls, and appurtenances.
- (o) "Temporarily vacant" means an owner-occupied residential building which may nevertheless be unoccupied by the owner or owners for up to six months in any calendar year.

1246.03 OBLIGATIONS OF OWNERS AND PERSONS IN CONTROL.

(a) No owner or person in control of a vacant building shall fail to do any of the following:

(1) Register the vacant building with the Village Zoning Department in accordance with the requirements of this chapter.

(2) Designate an authorized agent if the owner or person in control of the vacant building does not reside within twenty miles of the Village of East Palestine, Ohio.

(3) Submit a written vacant building plan which shall be approved by the Building/Zoning Inspector in accordance with Section 1246.07.

(4) At all times maintain the property in accordance with the vacant building maintenance standards established in Section 1246.08, and any and all other applicable provisions of the Codified Ordinances of the Village of East Palestine.

1246.04 REGISTRATION.

(a) All buildings located within the Village that are currently vacant residential, commercial, manufacturing, or industrial buildings, as defined herein, on the date this chapter becomes effective, shall be registered by the owner or person in control thereof with the Village Zoning Department, and thereafter shall be registered annually no later than December 31st of every year that the building is vacant. Every building that becomes vacant shall be registered by the owner or person in control thereof with the Zoning Department within ninety days from the date of the last occupancy, or within thirty days of being notified by the Zoning Department of a requirement to register based on evidence of vacancy, and thereafter shall be registered annually no later than December 31st of every year that the building is vacant.

(b) Registration shall be made on forms provided by the Zoning Department and verified by the owner or person in control of the vacant building and shall contain all of the following:

(1) The name, address, and telephone number of the owner or person in control;

(2) The name, address, and telephone number of the authorized agent, if required;

(3) The names, addresses, and telephone numbers of all known lien-holders and all other parties with any legal interest in the vacant building;

(4) If the vacant building is for sale, the name, address, and telephone number of the company and the realtor or agent responsible for marketing the property;

(5) The address of the vacant building and the permanent parcel tax identification number of the land on which the vacant residential, commercial, manufacturing, or industrial building is located;

(6) The date on which the building first became vacant

(7) A vacant building plan in accordance with Section 1246.07.

(c) No person shall furnish false information to the Zoning Department in the Registration Form.

(d) Registration shall be valid until December 31st of each year.

(e) No owner or person in control of a vacant building shall fail to notify the Zoning Department and file an amended registration form within seven days of any change in the registration information required by this section.

(f) Disaster affected properties, buildings under active construction and/or renovation with a valid current building permit, buildings listed for sale with a licensed realtor or broker, and buildings with a publicly visible "For Lease and/or For Rent" sign prominently posted on the building with an accessible contact number must file this form and pay the annual filing fee, but are exempt from paying any additional vacancy-related fees for twelve months from the date of filing, unless otherwise determined to be ineligible under law. To qualify for an exemption, the owner must submit a request for an exemption in writing to the Zoning Department. To qualify for any exemption, all real estate taxes shall be current for the property, there must be no outstanding and/or past due fines or fees due the Village in connection with the property, there must be on file with the Village a current approved vacant building plan under Section 1246.07, and the property and building must not be in violation of any zoning or building code requirements, or any other provisions of these Codified Ordinances.

(g) Owners of partially occupied residential duplexes or of partially occupied multi-family dwellings, and owners of partially occupied commercial plazas must file a registration form for each vacant unit, but are exempt from paying a registration fee for any vacant units for twenty-four months from the date of first filing, unless otherwise determined to be ineligible under law. To qualify for an exemption, each of the vacant units in the building must display a publicly visible "For Lease and/or For Rent" sign prominently posted on the building with an accessible contact number, and the owner must submit a request for an exemption in writing to the Zoning Department with the registration form. To qualify for any exemption, all real estate taxes shall be current for the entire property, there must be no outstanding and/or past due fines or fees due the Village in connection with the entire property, there must be on file with the Village a current approved vacant building plan under Section 1246.07, and the entire property and building must not be in violation of any zoning or building code requirements, or any other provisions of these Codified Ordinances.

(h) This section shall not apply to any owner-occupied residential buildings determined to be temporarily vacant as defined in this chapter.

1246.05 REGISTRATION FEES.

(a) Vacant building registration fees shall be reasonably related to the administrative costs of the vacant building registration process, to the costs incurred by the Village in monitoring the vacant building site, and/or to a reasonable and minimum annual rental amount that might be derived from the vacant building if it were occupied under lease. The annual increases in registration fee amounts shall be, in part, reasonably related to the costs incurred by the Village for hazard abatement, repair, and/or demolition of vacant buildings in addition to the continued administrative costs. All money collected under this chapter shall be used exclusively for the administration and enforcement of this chapter, for payment of a Zoning/Building Inspector, and for demolition costs of any property condemned by the Village under the Codified Ordinances of the Village, and for no other purposes.

(b) The annual registration fee for vacant buildings shall also be based on the duration of time the building has been vacant, regardless of any change in ownership.

(a) The owner of a vacant residential building shall pay an annual fee of two hundred dollars (\$200.00) for the first year the building remains vacant. For every consecutive year that the building remains vacant, the annual fee will be assessed at double the previous year's fee amount for a maximum annual fee equaling the five-year fee of three thousand two hundred dollars (\$3,200) to be used for the fifth and for all consecutive, subsequent years of vacancy.

(b) The owner of a vacant commercial building shall pay an annual fee of four hundred dollars (\$400.00) for the first year the building remain vacant. For every consecutive year that the building remains vacant, the annual fee will be assessed at double the previous year's fee amount for a maximum annual fee equaling the five-year fee of six thousand four hundred dollars (\$6,400) to be used for the fifth and for all consecutive, subsequent years of vacancy.

(c) The owner of a vacant industrial building shall pay an annual fee of six hundred dollars (\$600.00). For every consecutive year that the building remains vacant, the annual fee will be assessed at double the previous year's fee amount for a maximum annual fee equaling the five-year fee of ~~twelve thousand eight hundred dollars~~ (\$9,600) to be used for the fifth and for all consecutive, subsequent years of vacancy.

*** nine thousand six hundred**

(d) The fee shall be paid in full prior to the issuance of any building permits, unless the property is granted an exemption. The fee shall be prorated and a refund may be issued if the building is no longer deemed vacant under the provisions of this chapter within 180 days of its registry. *Per motion*

(e) All delinquent fees shall be paid by the owner prior to any transfer of an ownership interest in the vacant building. A lien may be placed on the property to collect delinquent fees. A hold may be placed on the transfer or activation of utilities (water and electric) until all delinquent fees are paid.

(f) Late fees shall be paid in addition to the annual registration and will be equal to the annual fee or one thousand dollars (\$1,000), whichever is less.

(g) All liens and delinquent fees shall be assessed and collected in accordance with Ordinances of the Village of East Palestine, Ohio, and Ohio R.C. 715.261.

(h) Any vacant structure lawfully registered, and in compliance with the previous version of this Chapter 1246 of the Codified Ordinances of the Village of East Palestine, Ohio, or registered before the effective date of this Ordinance, shall continue to be lawfully registered until December 31, 2022. After December 31, 2022, all Vacant Structures shall be subject to the provisions of this amended Chapter 1246 of the Codified Ordinances of the Village of East Palestine, Ohio.

(i) Upon failure of a responsible party to pay the required registration fees, and after the time limit for appeal has expired, or after all appeals have been finally resolved, fees in accordance with this provision shall be enforced by the Zoning/Building Inspector may make a return of any labor costs and any registration fees due, to the Columbiana County Auditor of such total charges, which amount shall be entered upon the tax duplicates of the County and be allocated and assessed onto the taxes in accordance with R.C. § 731.54, or an Affidavit of Lien may be filed in the Office of the Recorder of Columbiana County, Ohio, which Affidavit shall include a legal description of the premises upon which the vacant structure is situated.

1246.06 INSPECTION.

(a) At the time of registration the owner or person in control shall arrange for an inspection of the property by the Village Zoning/Building Inspector, the Village Fire Chief, and the Village Police Chief in the presence of the owner, person in control, or authorized agent of the owner having responsibility for security and maintenance of the property, for the sole purposes of determining the existence of any physical conditions which are or may become hazardous to the public health, safety, or welfare including, but not limited to, inspections of the structural integrity of the building, that it will be safe for entry by firefighters and police officers in times of emergency, for establishing safe routes of entry in the event of emergency, and for establishing that the building complies with all applicable provisions of these Codified Ordinances.

(b) If the owner or person in control fails or refuses to consent to and arrange for an inspection, the Zoning/Building Inspector, the Village Fire Chief, and/or the Village Police Chief shall seek an administrative search warrant under R.C. § 2933.21(F), from a court of competent jurisdiction, to authorize entry and inspection of the property. Said Ohio Revised Code section authorizes searches for the existence of physical conditions which are or may become hazardous to the public health, safety, or welfare, when governmental inspections of property are authorized or required by law.

1246.07 VACANT BUILDING PLAN.

(a) The owner or person in control of the vacant building shall submit a vacant building plan (VSP) to the Zoning Department with the initial registration, and said plan shall be approved by the Zoning/Building Inspector. The vacant building plan shall be selected from and include the minimum requirements from one of the three following categories:

(1) Demolition. If the vacant building is to be demolished, the VSP shall include a proposed time-frame for demolition which shall include a commitment date within thirty days of approval of the proposed demolition time frame and shall not exceed 180 days from the date of submission of the VSP.

(2) Secured building. If the vacant building is to remain vacant, the VSP shall contain all of the following:

A. A plan for fire alarm and/or fire protection approved by the Fire Chief.

B. A plan of action to remedy any public nuisance, Zoning Code violations, or other violations of the Village Codified Ordinances existing in the building or on the property.

C. A lighting plan for the exterior of the building and property, any walkways adjacent thereto, parking or loading areas, and night-time illumination of areas and walkways of the building and property which may be vulnerable to vandalism and vagrancy as approved by the Chief of Police.

D. A regular maintenance plan for all lighting on or in the building and on the property.

E. A plan for the maintenance of all structural openings, such as windows, doors, area-ways and other openings. For commercial buildings in the downtown business district the plan must avoid, if possible, the necessity of boarding up any first floor structural openings. For such commercial buildings, windows, doors, area-ways and other openings that are located on the first floor and facing the street shall not be papered, soaped, blacked out, or boarded up, and, to avoid the appearance of vacancy, a form of display shall be established that shall be approved by the Zoning/Building Inspector.

F. A plan of action to maintain the vacant building and property, to keep the grass mowed, trees, shrubbery, and other vegetation trimmed, weeds controlled and abated, snow removed from any sidewalks, and to keep the property in general compliance with the vacant building maintenance standards set forth in Section 1246.08, and with all other applicable provisions of the Village Codified Ordinances.

(3) Rehabilitation. If the vacant building is to be returned to lawful occupancy or use, the vacant building plan shall include a rehabilitation time-frame for the building and property. The rehabilitation time-frame shall not exceed twelve months. The Zoning/Building Inspector may grant an extension of time upon receipt of a written statement from the owner detailing the reasons for the extension. All applicable laws shall be complied with and all required permits shall be obtained. The building shall be kept secured and in compliance with the vacant building maintenance standards as provided in Section 1246.08 at all times during rehabilitation.

1246.08 VACANT BUILDING MAINTENANCE STANDARDS.

In addition to complying with all other applicable provisions of the Village Codified Ordinances, all vacant buildings and vacant property within the Village shall be maintained in accordance with the following vacant building maintenance standards:

(a) Except as provided in Section 1246.07(a)(2)E., all exterior openings which cannot be otherwise properly secured shall be boarded, secured, and protected from intrusion by birds, vermin, vandals, and trespassers in accordance with the United State Fire Administration's National Arson Prevention Initiative Board-Up Procedures, hereby incorporated by reference as if fully set forth herein. A copy of the United States Fire Administration's National Arson Prevention Initiative Board-Up Procedures shall be kept on file with the Zoning Department and the Fire Department.

(b) A vacant building shall be protected from deterioration and maintained in accordance with all applicable provisions of the Codified Ordinances of the Village of East Palestine.

(c) A vacant building and the property on which it is located shall be kept clean, safe, sanitary, and free from public nuisance in accordance with all applicable provisions of the Codified Ordinances of the Village of East Palestine.

(d) A vacant building shall display a hazardous identification mark or placard that is readily visible from normal access points to the building in accordance with the International Association of Arson Investigators (IAAI)

Vacant/Abandoned Building Marking System, which said identification system shall provide a visual cue to first responders that the property is vacant, that it has been inspected and evaluated, and that it might contain hazardous conditions dangerous to responders.

(e) The Village shall institute a Knox box system, or its equivalent, for installation on each vacant commercial, manufacturing, or industrial building in the Village in case immediate access to the interior of the building by Fire Department or Police Department personnel is necessary for life-saving, firefighting, or other emergency purposes. The owner of any vacant commercial, manufacturing, or industrial building shall, in the presence of the Zoning/Building Inspector, place in such box, properly labeled or identified, any and all keys needed to gain access to all areas of the building, including the roof and basement. The Knox box shall be installed in a location approved by the Zoning/Building Inspector in consultation with the Fire Chief and the Police Chief. The cost of purchase and installation of such a system shall be paid from the monies collected under the Vacant Building Registration Program. The Fire Chief and/or the Police Chief shall have control of the master key or master code for the box system. The person in control of the building shall immediately provide new keys when a lock is changed or re-keyed, and any such said keys shall be immediately secured in the Knox box and the old keys removed therefrom in the presence of the Zoning Inspector.

1246.09 NOTICE OF VIOLATION.

(a) Content. Whenever the Zoning/Building Inspector determines that there is a violation of the provisions of this chapter, or of any part of the Zoning and/or Building and Housing Code of the Village, he shall give notice of such violation to the person or persons responsible therefore and order compliance, as herein provided. Such notice and order shall:

- (1) Be in writing;
- (2) Include a description of the location of the building and real estate sufficient for identification;
- (3) Include a statement of the violation or violations, refer to the sections and divisions of these Codified Ordinances violated and order the remedial action which will effect compliance;
- (4) Include a correction order allowing a reasonable time to bring the property into compliance;
- (5) State the right of the violator to file an appeal of the notice and order with the Zoning Board of Appeals in the manner and within the time limitation provided for in applicable provisions of these Codified Ordinances; and
- (6) Include a statement that if the violations are not remedied within the specified time, the Village may choose to take the remedial action on its own, and that any action taken by the Village on such property, to correct any violations, shall be charged and assessed against the real estate upon which the building is located and shall be a lien upon such real estate, if not first paid in full by the person or persons responsible for the property in question.

(b) Service. A notice of violation shall be deemed to be properly served if one or more of the following methods are used:

- (1) By personal delivery to the owner or occupant of the property or by leaving the notice at the property with a person of suitable age and discretion; or
- (2) By certified mail, return receipt requested, to the person or persons responsible at their last known address. If the certified mail is returned unclaimed, then service shall be sent by ordinary mail and the mailing shall be evidenced by a certificate of mailing. If the certified mail is returned undeliverable, a copy shall be posted in a conspicuous place in or on the property found in violation.

1246.10 EFFECTING COMPLIANCE.

Upon failure of the owner or person in control of the property in violation to comply with the above-stated notice within the period of time stipulated, the Zoning/Building Inspector shall give notice to the Street Department of the violations, and the Street Department may then proceed to correct the violations. Upon the completion of such labor, the Street Department Supervisor shall determine all costs associated therewith,

with labor charges incurred at one hundred fifty dollars (\$150.00) per hour, provided however there shall be a minimum fee of not less than one hundred dollars (\$100.00). In the event the Village is required to employ outside services for the abatement work, the fee shall be the actual costs of the contract plus fifteen percent for administration charges. The Zoning/Building Inspector shall bill the owner of the property by forwarding said bill in accordance with the notice requirements in Section 1246.09(b). If said bill has not been paid, or written arrangements made to pay such bill, within thirty days of the date of the notice of the bill, the Zoning/Building Inspector may make a return of the total labor costs and any registration fees due to the Columbiana County Auditor of such total charges, which amount shall be entered upon the tax duplicates of the County and be allocated and assessed onto the taxes in accordance with R.C. § 731.54.

1246.11 APPEALS.

Any person or persons aggrieved by any order or decision of the Zoning/Building Inspector, or whenever the Zoning/Building Inspector fails to approve a vacant building plan as required in Section 1246.08, the person or persons affected may file a notice of appeal with the Board of Zoning Appeals within twenty days after the order or decision appealed from.

1246.12 PROCEDURE FOR APPEAL.

(a) Intent of Appeal, Waiver, or Redetermination.

(1) Appeal. This appeal procedure is instituted to allow any affected person or persons, or any official of the Village of East Palestine who believes there is an error in any order, requirement, decision, or determination made by the Zoning/Building Inspector during the administration or enforcement of this Vacant Building Ordinance, or during the administration and enforcement by the Zoning/Building Inspector of any other provision of the Zoning Code or the Building and Housing Code for the Village of East Palestine, the opportunity to have the Board of Zoning Appeals review the order, requirement, decision, or determination. The Board shall determine whether or not the decision was in conformance with this Vacant Buildings Ordinance or with any and all other provisions of the Village Zoning or Building and Housing Codes. These Sections 1246.11 and 1246.12 are intended to amend and supplement the appeal procedures set forth in Section 1244.01(c) of these Codified Ordinances.

(2) Waiver/redetermination. The waiver/redetermination procedure is instituted to allow the Zoning Board the authority to grant a waiver/redetermination from any rulings of the Zoning/Building Inspector.

(b) Procedure for Appeal, Waiver, or Redetermination.

(1) To initiate any procedure, the Zoning/Building Inspector shall have taken an action and/or issued a notice or violation citation, or an order, requirement, decision, or determination involving the administration or enforcement of this Vacant Building Chapter or any provision of the Village Zoning or Building and Housing Codes. A notice of appeal may be filed only if the following conditions are met:

A. The Zoning/Building Inspector has failed to approve the vacant building plan; or an action or inaction by the owner is in violation the Vacant Building Ordinance or any other provision of the Village Zoning or Building and Housing Codes.

B. The appeal is based upon an interpretation of the requirements of the Vacant Building Ordinance or any other provision of the Village Zoning or Building and Housing Codes.

C. The party filing the notice of appeal is either an official of the Village or the owner of the building or property who believes the interpretation is in error.

D. The notice of appeal has been filed within twenty days after the decision of the Zoning/Building Inspector.

(2) A notice of appeal or application for a waiver/redetermination shall be available at the office of the Zoning/Building Inspector and when completed shall be returned to such office. The notice of appeal and application for a waiver/redetermination shall include but not be limited to the following:

A. Name, address, and telephone number of the applicant.

B. Location of the vacant building and/or property including the lot number.

C. Present and/or proposed vacant building plan, if applicable.

D. If required by the Zoning/Building Inspector, a vicinity map and plat layout containing information required by the Zoning/Building Inspector.

E. A statement identifying the specific decision/order which is being appealed from or the waiver redetermination requested and the reason for the request.

F. A fee of fifty dollars (\$50.00) or such other amount as Council may from time to time establish.

(3) Within three working days after the notice of appeal has been filed it shall be transmitted to the members of the Zoning Board along with all papers and documentation upon which the action appealed from was based. Within a reasonable time after the notice of appeal has been filed, but not later than forty-five days of receiving the notice of appeal, the Zoning Board shall hold a hearing to consider the appeal. Written notice of the hearing shall be given to all parties not less than ten days prior to the date of the hearing. In addition, written notice of the hearing shall be mailed, by first class mail, at least ten days before the day of the hearing to all owners of property contiguous to, and/or directly across the street from the property which is the subject of the appeal.

(4) The Board shall decide on the appeal by written decision within a reasonable time following the hearing thereon, but not later than sixty days after the hearing. The filing of a notice of appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning/Building Inspector certifies to the Board that, by reason of the facts presented in the application, a stay would cause imminent peril to life and/or property.

(5) The Board shall render any decision as follows:

A. For violation citation appeals, the Board shall reverse, affirm or modify the order, requirement, decision, or determination that is being appealed. Such decision shall, in the opinion of the Board, reflect conformity with all applicable provisions of these Codified Ordinances.

B. For waivers/redeterminations, the Board shall grant, deny, or modify the waiver/ redetermination. In rendering its decision, the Board shall ensure the intent of this chapter is not contrary to public interests, will not result in unnecessary hardships, and the spirit of the chapter is preserved.

C. The Board shall make a record and/or minutes of all its proceedings, setting forth the reason for its decisions. The record and/or minutes, immediately following the Board's decisions, shall be filed in the office of the Zoning/Building Inspector, and shall be open to the public for inspection.

(6) A certified copy of the Board's decision shall be transmitted to the applicant.

A. The decision of the Board shall be binding upon the Zoning/Building Inspector and applicant.

B. If the appeal is denied, the applicant can then pursue the avenues set forth in division (b)(7) of this section hereafter stated.

(7) After the ruling of the Board of Zoning Appeals, any applicant, person, firm or corporation, or any officer, department, board or agency of the Village, or any interested elector of the Village who has been aggrieved or affected by the decision of the Board, may appeal from such decision to the Village Council by filing a notice of appeal to Council with the Clerk of Council within twenty days from the date of the Zoning Board decision, which said notice shall set forth the basic facts of the appeal to that point.

A. Council shall hold a public hearing on such appeal not later than thirty days after the appeal has been filed with the Clerk. Notice of the hearing shall be given not less than ten days prior to the date of the hearing by publishing a notice in a newspaper of general circulation within the Village, and by posting notice of such hearing on the Village website. A notice shall also be sent to the applicant and all parties involved in the initial appeal to the Zoning Board, and may be posted at the property in question. In addition, written notice of the hearing shall be mailed by first class mail, at least ten days before the day of the hearing to all owners of the property contiguous to, and directly across the street from the property which is the subject of the appeal.

B. Council shall decide on the appeal no later than forty-five days after the public hearing.

C. Council may overrule the Zoning Board decision by a majority vote of its members.

D. After an applicant has exhausted its appeal process, that person shall not reapply for another appeal to the Board for twelve months following the conclusion of the matter.

(c) Fees Nonrefundable. The fee required to file an appeal to the Zoning Board shall be nonrefundable.

(d) Deposit for Public Cost. Wherever any notice or legal publication is required, the Zoning Board shall require a deposit from the person requesting the waiver/redetermination which is sufficient to defray the cost of such notice or publication.

1246.13 INTERPRETATION OF CHAPTER.

This chapter shall not, in any manner, abrogate any of the other provision of the Codified Ordinances of the Village of East Palestine pertaining to the abatement of public nuisances or unsafe buildings.

1246.14 EFFECTIVE DATES OF THIS CHAPTER.

Any and all provisions of this chapter as they apply to vacant commercial, manufacturing, or industrial buildings shall become effective on the date this chapter first becomes effective under law.

1246.99 PENALTY.

In addition to any other sanctions established in this chapter, whoever violates any of the provisions of this chapter shall be guilty of a misdemeanor of the first degree. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.